

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – State Tax Department – Allegation of acquisition of assets disproportionate to the known sources of income against Sri G.Appa Rao, the then Commercial Tax Officer, Tenali, Guntur District (Now Retired) - A Criminal case was registered by ACB - Sanction accorded for prosecution – Placed before the Tribunal for Disciplinary Proceedings instead of Prosecution - Charged Officer filed representation-Examined - Further action – Dropped - Subsequently Departmental Action was initiated against the Charged Officer - Inquiry Authority appointed in respect of Departmental Action - Inquiring Authority held the charges against the CO are not proved – Further action dropped - Regularization of suspension period as on duty under FR 54 (B)(3&4)- Orders - Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.RT.No. 388

Dated: 02-07-2021.
Read the following:

1. From the DG,ACB, Rc.No.55/RCA-VSK/2006, dated:27-06-2006, (Preliminary Report).
2. Govt Memo No.27854/Vig.II(3)/2006- , Dated:12-07-2006.
3. From the DG,ACB, Rc.No.55/RCA-VSK/2006-1,dated:06-11-2008, (Final Report).
4. Govt Memo No.28754/Vig.I(1)/2006, Dated.19.08.2009.
5. G.O.Ms.No.95, Rev(Vig.I) Dept, Dated: 04.02.2011.
6. Orders of the Hon'ble High Court, Dated:29.9.2014 in W.P.No.25477/2010.
7. Representation of Sri G.Appa Rao, Commercial Tax Officer,(Retired), dated: 26.11.2015.
8. G.O.Ms.No.422, Revenue (Vigilance-II) Department, dt.03.09.2016.
9. Rc.No.829/2009/A7,Dt.2509.2014 of the Deputy Commissioner, Commercial Tax, VSKP(IR)
10. G.O.Rt.No.1100, Revenue (Vigilance-II) Department, dt.15.11.2016.
11. Representation of Sri G.Appa Rao, Commercial Tax Officer,(Retired), dated: 12.07.2018.
12. G.O.Rt.No.11, Revenue (Vig.II) Department, dated:02.01.2019.
13. Representation of Sri G.Appa Rao, Commercial Tax Officer, (Retired), dated: 08.01.2019.

It was brought to the notice of the Government by the Director General, Anti Corruption Bureau vide reference 1st read above that Sri Gedela Apparao S/o late Markendeyulu Commercial Tax Officer, Tenali-1, Guntur District amassed wealth by illegal and dubious means and thereby acquired assets disproportionate to his known sources of income in his name and in the name of his wife, children and others, a case in Cr.No.03/RC-ACB/VZM/2006 u/S 13(2) r/w 13(1)(e) of Prevention of Corruption Act,1988 has been registered on 16.03.2006. Subsequently, instructions were issued to place the Accused Officer Sri Gedela Apparao,CTO, Tenali-1, Guntur District under suspension vide reference 2nd read above.

2. The Director General, Anti Corruption Bureau has submitted his final report vide reference 3rd read above recommending to prosecute the Accused Officer in a court of law u/s 13(2) r/w 13(1)(e) of the PC Act, 1988. Government after examining the final report of the Director General, Anti Corruption Bureau, have accepted the recommendations of the DG, ACB and

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accorded sanction for prosecution of Sri Gedela Apparao S/o late Markendeyulu Commercial Tax Officer, Tenali-1, Guntur District vide G.O. 5th read above.

3. Whereas in the reference 6th read above, the Hon'ble High Court in its orders on W.P.No.25477/2014 filed by Sri Gedela Apparao, while disposing the Writ Petition, permitted Sri Gedela Apparao to make fresh representation and directed that the respondent i.e., Government shall examine the same in the light of facts and take appropriate decision. While enclosing the court orders, the Sri Gedela Apparao has made a representation in the reference 7th read above explaining the facts of the case and requested the Government to drop further action.

4. After examination of the matter, Government in exercise of the powers conferred under Rule 3 Andhra Pradesh Civil Services (Disciplinary Proceedings) Rules, 1989, entrusted the case to Tribunal for disciplinary proceedings for inquiry instead of prosecution in the G.O. 8th read above, duly rescinding the orders issued in the reference 5th read above.

5. Whereas, with regard to the departmental action, the Government have requested the Commissioner of Commercial Taxes to initiate departmental action against Accused Officer for violation of Conduct Rule, vide Memo 4th read above. The Regular Enquiry Officer, has submitted the inquiry report, vide reference 9th read above, stating that in the instant case, there is no evidence found in the inquiry and the documentary evidence produced by Sri G. Appa Rao, the ingredients of the condition of Rule 9(1), (2) and (7) has been violated by the Charged Officer, hence the charges framed against the accused officer are not held proved.

6. Government after examination of the enquiry report, have accepted the findings of the Inquiring Authority and dropped further against the charged officer i.e., Sri G. Appa Rao, the then Commercial Tax Officer, Tenali, Guntur District (Now Retired) vide G.O. 10th read above.

7. The Accused Officer Sri Gedela Apparao, has filed a representation vide reference 11th read above, in which he has mainly contended among others in view of the above provision and law laid down by the Hon'ble Supreme Court, disciplinary proceedings cannot be initiated against the retired government Employee if the event took place more than 4 years before initiation of the proceedings. He stated that in the instant case, the case registered against him in the year 2006, he retired from service on 30.06.2013. After lapse of three and half year (3½ year), Government have issued orders placed his case before the Tribunal for Disciplinary Proceedings vide G.O.Ms.No.422 Revenue (Vigilance.II) Department, dated.03.09.2016 as his case is not stands/jurisdiction in Tribunal for Disciplinary Proceedings. However no substituting enquiry was ordered or no charges were framed against him, as in which under Sub-Rule (i) & (ii) of 2(b) of Rule 9 of Revised Pension Rules'1980, the Departmental proceedings on a retired Government employee, if proposed to initiate, it shall be initiated within the stipulated period of (4) years by the Government only. Finally, he requested the Government to drop further action against him in the interest of natural justice.

8. In view of the above observations and long pendency of the case, Government after examination of the matter have dropped further action against the Accused Officer Sri Gedela Apparao, the then Commercial Tax Officer, Tenali, Guntur District (Now Retired), vide G.O. 12th read above, duly rescinding the orders issued in the reference 8th read above.

9. Sri G. Appa Rao formerly Commercial Tax Officer, Tenali, Guntur District, (now retired) has submitted a representation vide reference 13th read above, requesting to regularize his suspension period from 26.08.2006 to 14.05.2008 as on Duty for all the purposes in terms of Sub-rule 4 of F.R.54-B (3 & 4), as the two disciplinary cases as alleged Charges were not proved and dropped by the Government.

10. Government after careful examination of the matter have decided to regularize the suspension period. Accordingly, hereby order to regularize the suspension period in respect of Sri G. Appa Rao formerly Commercial Tax Officer, Tenali, Guntur District, (now retired) from 26.08.2006 to 14.05.2008 as "On Duty" under FR 54 (B) (3&4).

11. The Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada shall take necessary action in the matter accordingly.

12. This order issues with the concurrence of the Finance Department vide their U.O.No: FIN01-HR/15/2020-HR-II, Dated:09.07.2020.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri G. Appa Rao formerly Commercial Tax Officer, Tenali, Guntur District, (now retired) (Through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada).

The Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada.

The Joint Commissioner of State Tax, Guntur.

Copy to:

The Director General, Anti Corruption Bureau, Andhra Pradesh, P.N.Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada.

The Finance (HR.IV-FR & LR) Department.

SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER